



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.7590 OF 2018(MV-I)

BETWEEN:

MR. CHANDRAHASA
S/O SADASHIVA BELCHADA
AGED ABOUT 37 YEARS,
R/AT BONDANTHILA
TARIGUDDE HOUSE,
NEERUMARGA, MANGALURU TALUK
D.K.DISTRICT
PIN-575012.

...APPELLANT

(BY MISS POOJA, ADVOCATE FOR

SRI. RAVISHANKAR SHASTRY G.,ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

1. MR. PRAVEEN ALVA,
S/O GOPALA ALVA,
AGED ABOUT 24 YEARS
R/AT D.NO.4-133,
BAKIMAR HOUSE,
KULAYOOR POST,
MANGALURU TALUK,
D.K.DISTRICT
PIN-575018
2. THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO LTD



RASIK CHAMBERS
OPP CENTRAL MARKET
MANGALURU TALUK , D.K.DISTRICT
PIN-575001

...RESPONDENTS

(BY SRI. AKSHAY P.V. ADVOCATE FOR
SRI. RAVISHANKAR A.,ADVOCATE FOR R2;
V/O. DATED 02.09.2021,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02/01/2018, PASSED IN MVC
NO.767/2017, ON THE FILE OF THE MACT & I ADDITIONAL
SENIOR CIVIL JUDGE MANGALURU, D.K. PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Ms.Pooja who appears before this Court physically and represents Sri.Ravishankar Shastry.G learned counsel on record for the appellant. Also heard, Sri.Akshay.P.V who appears through video conference and represents Sri.Ravi Shankar.A learned counsel on record for respondent No.2.

2. This appeal is the outcome of the award that is passed by the Motor Accident Claims Tribunal, Mangaluru-Dakshana-Kannada in MVC No.767/2017 dated 02.01.2018. This is a claimant's appeal.

3. With a version that he sustained grievous injuries in a road traffic accident that occurred in the year 2016 and the injuries thus sustained left him with permanent physical disability, the petitioner filed a claim petition projecting that he is entitled to a sum of Rs.10,00,000/- towards compensation. The tribunal held that the appellant is entitled to a sum of Rs.1,97,000/- as compensation. Aggrieved by the same, this appeal is filed.



4. Learned counsel for the appellant submits that appellant sustained six grievous injuries in a road traffic accident. Appellant was working as tempo driver by the date of accident and he was earning Rs.12,000/- per month. Appellant produced the evidence of PW3 who was his employer as well as Ex.P10 salary certificate. But without considering the evidence produced, the Tribunal took the notional income of the appellant as Rs.7,000/- per month and awarded very meager sum as compensation under the heads loss of future earnings as well as loss of income during laid up period. Learned counsel also states that though PW2 stated that the disability is 16.5%, Tribunal took the disability in respect of whole body as 4%. Learned counsel also states that no compensation is awarded towards loss of amenities in life. Also stating that compensation granted under all heads is too meager, learned counsel seeks for enhancement.

5. On the other hand learned counsel who represents respondent No.2 submits that though Tribunal



granted justifiable sum as compensation, in the light of the submission that is made by learned counsel for the appellant, there may be marginal enhancement.

6. By all the evidence produced, appellant established that he sustained fracture of lateral wall of left orbit, loosening of upper central incisors, comminuted displaced fracture of bilateral nasal bones and fracture of nasal bone left side, fracture of left zygoma, fracture of all the walls of bilateral maxillary sinus and fracture of bilateral lacrimal bones. As per the contents of Ex.P3 wound certificate, all those injuries are grievous in nature. Tribunal granted a sum of Rs.75,000/- towards pain and suffering. However, having considered the nature of injuries sustained and the treatment taken, this Court is of the view that appellant is entitled to a sum of Rs.1,00,000/- towards pain and suffering.

7. Appellant produce sufficient proof to show that he took treatment as inpatient for eight days. In the light of the injuries sustained, this Court is of the view that



appellant would have taken assistance of an attendant for considerable period even after the date of discharge. Tribunal granted a sum of Rs.5,000/- towards attendant, food and conveyance charges. However, this Court is of the view that appellant is entitled to a sum of Rs.25,000/- for food, extra nourishment, attendant and conveyance charges.

8. Tribunal rightly granted a sum of Rs.49,000/- towards medical expenses.

9. Coming to loss of future income, as per the evidence of PW2, the injury sustained to the skull, left the appellant with disability of about 16.5%. Tribunal took the disability in respect of whole body as 4%. However, considering the evidence of PW2 and the relevant material brought on record, this Court is of the view that the disability in respect of whole body can be considered to be 6%.



10. So far as earnings of the appellant are concerned, as PW3 has not produced any material to show that he employed the appellant and was paying Rs.12,000/- per month as salary, this Court is of the view that the earnings of the appellant are required to be taken as Rs.9,500/- which figure is adopted by the Karnataka State Legal Services Authority for the relevant period i.e., 2016 for settlement of claims.

11. Thus taking the notional income as Rs.9,500/- per month, on applying the appropriate multiplier '15' and the disability in respect of whole body as 6%, the compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.1,02,600/- ($9500 \times 12 \times 15 \times 6\%$).

12. Having considered the nature of injuries sustained i.e., six grievous injuries, this Court is of the view that appellant would have taken bed rest at least for a period of five months. Thus loss of earnings during laid-up period comes to Rs.47,500/- ($9,500 \times 5$). Also, appellant



is entitled to Rs.10,000/- towards loss of amenities in life along with Rs.5,000/- towards future medical expenses. Thus, total compensation which the appellant is entitled to receive under each head is as under:

SI No.	Compensation	Amount in Rs.
1	Towards Pain and suffering	1,00,000/-
2	Towards food, extra nourishment, attending and conveyance charges	25,000/-
3	Medical expenses	49,000/-
4	Loss of future earnings	1,02,600/-
5	Loss of income during laid up period	47,500/-
6	Future medical expenses	5,000/-
	Loss of amenities	10,000/-
	Total	Rs.3,39,100/-

13. Tribunal held that appellant is entitled to a sum of Rs.1,97,000/- as compensation. However the discussion that went on supra reveals that appellant is entitled to a sum of Rs.3,39,100/- as compensation. Therefore, the appeal is disposed of with the following:



ORDER

- (i) Appeal is allowed in part.
- (ii) Compensation that is granted by the Motor Accident Claims Tribunal, Mangaluru-Dakshina Kannada, through orders in MVC No.767/2017 dated 02.01.2018 is enhanced from Rs.1,97,000/- to Rs.3,39,100/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit except for a period of delay of 139 days as per orders on I.A.No.1/2008.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of the judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**